IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 16527 of 2007(P)

PETITIONER:

MURALEEDHARAN, S/O BHASKARAN,
KANIKOTT HOUSE, MULLASSERY,
THRISSUR DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

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1. ADDITIONAL DISTRICT MAGISTRATE,
THRISSUR.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KANDASSAM KADAVU,
THRISSUR DISTRICT.

3. SMT. JANAKI, D/O KARAPPAN,
PONGATT HOUSE, MULLASSERY, THRISSUR DISTRICT.

R1 BY G.P. SRI.BASANT BALAJI
R2 BY ADV. SRI.P.P.THAJUDEEN, SC
BY ADV. SRI.K.T.SHYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE SKETCH SHOWING THE LIE OF THE PROPERTY.

P2: COPY OF THE OBJECTION DT.19.5.2003 FILED BEFORE R3.

P3: TRUE COPY OF APPLICATION FOR APPOINTMENT OF AN ADVOCATE COMMISSIONER AND INSPECTING THE PROPERTY AND CALLING FOR A REPORT.

P4: TRUE COPY OF THE ORDER DT.3.7.2003.

P5: TRUE COPY OF JUDGMENT DT.3.11.2005 IN W.P.(C) NO.23066/2003.

P6: TRUE COPY OF ORDER DT.20.12.2005.

P7: TRUE COPY OF THE NOTICE ISSUED BY 1ST RESPONDENT.

P8: TRUE COPY OF OBJECTION FILED BY THE PETITIONER.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.16527 of 2007

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Dated this the 20th day of June, 2007.

JUDGMENT

The W.P. is filed objecting proposed drawal of electric line over petitioner's property for giving connection to third respondent. In fact the application for electric connection was filed by third respondent in 2003 and connection is delayed on account of protracted litigation by the petitioner. Earlier orders of the Additional District Magistrate were challenged in this court and this court remanded the matter. During pendency of this W.P., this court directed the ADM to specifically consider the alternate proposal suggested by the petitioner. Copy of the order of the ADM was produced in court on 18.6.2007. The case was posted today for the petitioner's counsel to collect the order from the Government Pleader and to argue the matter. Today counsel submitted that he wants to amend the W.P. and challenge the order of the ADM. However, on going through the order I find no justification to postpone the case further because ADM has found that proposal is to draw the line over a pathway against which petitioner's objection obviously is not tenable. The alternate route suggested by the petitioner is over small house plots belonging to others. If petitioner's

proposal is accepted, it will be injurious to larger number of persons. Electric lines as far as possible should be drawn over roads, pathways etc. so that buildings are not affected. I find the order of the ADM is a perfectly well reasoned order. In the circumstances, ADM's order approving drawal of line over the pathway is upheld. I make it clear that petitioner's claim of title over the pathway will not be affected on account of drawal of electric line over it. Similarly if petitioner wants underground cable, it would be open to the petitioner to deposit additional cost for the expensive insulated cable and in that event, second respondent should draw underground cable instead of overhead line. There will be direction to the second respondent to give connection to the beneficiary atleast now because giving of connection is already held up for over five years.

The W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms